

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

and

COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Plaintiffs,

v.

CAPITAL REGION WATER

and

THE CITY OF HARRISBURG, PA,

Defendants.

Civil Action No. 1:15-cv-00291-  
WWC

**UNOPPOSED MOTION TO ENTER PARTIAL CONSENT DECREE AND  
JOINT STIPULATION REGARDING MODIFICATION TO PARTIAL  
CONSENT DECREE**

The United States, on behalf of the United States Environmental Protection Agency (“EPA”), respectfully moves for entry of the proposed Partial Consent Decree (Dkt. No. 4) and the Joint Stipulation Regarding Modification to Partial Consent Decree (Dkt. No. 7), in the above-captioned action. The proposed Partial Consent Decree will resolve most of the claims alleged by Plaintiffs the United

States and the Pennsylvania Department of Environmental Protection (“PADEP”) in the Complaint filed in this action (Dkt. No. 1).

On February 18, 2015, the United States published notice in the Federal Register that the proposed Partial Consent Decree had been lodged with the Court, and the public was invited to submit comments for a thirty-day period ending on March 20, 2015. 80 Fed. Reg. 8687 (Feb. 18, 2015). Two public comments were received, which are attached as Exhibits 1 and 2 to the Memorandum filed in support of this Motion.

Defendants have executed the proposed Partial Consent Decree, as well as the Joint Stipulation Regarding Modification to Partial Consent Decree. Counsel for the United States has conferred with counsel for the Co-Plaintiff and the Defendants, who have authorized counsel for the United States to indicate that this Motion is unopposed. All Parties support entry of the Partial Consent Decree and the Joint Stipulation Regarding Modification to Partial Consent Decree.

For the reasons set forth in the attached Memorandum in Support of this Motion, the United States believes the proposed Consent Decree is fair, reasonable, in the public interest, and consistent with the goals of the Clean Water Act, 33 U.S.C. § 1251, *et seq.*

WHEREFORE, the United States respectfully requests that the Court sign

and enter the Joint Stipulation on Modification to Partial Consent Decree (Dkt. No. 6) and the proposed Partial Consent Decree (Dkt. No. 4) as an Order of the Court.

Respectfully Submitted,

JOHN C. CRUDEN  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

Dated: May 22, 2015

/s/ Maya S. Abela

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2015, I electronically filed the foregoing *Unopposed Motion to Enter the Partial Consent Decree and Joint Stipulation Regarding Modification to Partial Consent Decree* with the Clerk of the Court using the CM/ECF system, and served a true and correct copy of the foregoing document by e-mail and U.S. mail to:

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